

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE MERRILL LYNCH & CO., INC.
SECURITIES, DERIVATIVE AND ERISA
LITIGATION

This Document Relates To: Derivative Action,
07cv9696 (JSR) (DFE)

Master File No.:
07cv9633 (JSR)

**NOTICE OF MOTION TO
SUBSTITUTE COUNSEL**

Defendant John A. Thain hereby moves to substitute Dechert LLP for Skadden,
Arps, Slate, Meagher & Flom, LLP as his counsel of record in the above-captioned action.

Dated: New York, New York
September 18, 2009

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